IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

Crl.MC.No. 3735 of 2006()

[CRIME NO.210/2006 OF VELLOOR POLICE STATION]

PETITIONER: ACCUSED

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1. M/S.PERUMALIL GRANITES REP.BY
   IT'S MANAGING PARTNER ALEX.P.CYRIAC,
   PERUMALIL HOUSE, ARUNOOTTIMANGALAM,
   MULAKULAM VILLAGE.

2. ALEX.P.CYRIAC,
   PERUMALIL HOUSE, ARUNOOTIMANGALAM,
   MULAKULAM VILLAGE.

BY ADV. SRI.K.GOPALAKRISHNA KURUP

RESPONDENTS/STATE AND DEFACTO COMPLAINANT:

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1. STATE OF KERALA REP.BY THE PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. NARENDRAN, S/O.PURUSHOTHAMAN,
   KOTHELIL HOUSE, PERINGALA DESOM,
   THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.C.S.MANU
PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 04/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3735 of 2006

Dated this the 4th day of December 2006

O R D E R

The petitioner has come to this court with this petition under Section 482 Cr.P.C for quashing of F.I.R registered on the basis of a complaint filed by the second respondent. The learned Public Prosecutor on instructions submits that the investigation is now complete and the police have filed refer report before the learned Magistrate. In the light of this submission which I accept, I find no relevance in this Criminal Miscellaneous Case continuing on file. It deserves to be dismissed. The learned counsel for the petitioner submits that an item of machinery in the possession of the petitioner has been seized and the same has been released to the complainant by Annexure 10 order. Consequent to the refer report that is filed, the petitioner is entitled to get the machinery restored to his possession, urges the learned counsel for the petitioner. The petitioner can certainly raise his contention before the learned Magistrate as Annexure 10 order reveals only an interim release of the property. Appropriate application can be made by the petitioner before the learned Magistrate, claiming restoration of property seized from his possession. Needless to say, the learned Magistrate must pass appropriate orders on such application expeditiously.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006